IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

CIVIL APPLICATION NO.5446 OF 1997
IN
FIRST APPEAL NO.843 OF 1997

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

Mr.S.N.Gavade, A.G.P. for State
Mr.Gitesh Wagh i/b Mr.T.S.Ingale for the Respondent Nos.1 and 3.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 20,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the respondent Nos.1 and 3. The impugned Award under section 18 of the Land Acquisition Act,1894 has been passed on 11th October 1995. Till today this Court has not granted any ad-interim stay. Enhancement in market value granted by the Reference Court is only to the extent of Rs.17,200/-. Moreover, the Reference Court has not granted interest under section 28 of the said Act of 1894 on solatium under section 23 (2) of the said Act of 1894. In the present case,

the Award under section 11 of the said Act of 1894 has been made on 23rd August 1988.

2. Appeal is admitted. Though some dispute is raised as regards the market value,as pointed out earlier, claimants are already denied part of the statutory benefit though they were entitled to the same. Moreover, there was no stay granted for last 11 years and more.

3. Hence, considering the aforesaid peculiar facts, Application is rejected.

4. It is made clear that withdrawal of the compensation amount by the claimants will be subject to final outcome of the Appeal. If the claimants have already furnished any security while withdrawing the compensation amount, the same shall be maintained till the final disposal of the Appeal.

JUDGE